

Department of Agriculture - State Agricultural Laboratory

TITLE 3. AGRICULTURE

CHAPTER 5. DEPARTMENT OF AGRICULTURE
STATE AGRICULTURAL LABORATORY

(Authority: A.R.S. § 3-141 et seq.)

Former Title 3, Chapter 5, Article 1, Sections R3-5-01 through R3-5-08, renumbered to Title 3, Chapter 2, Article 8, Sections R3-2-801 through R3-2-808; new Title 3, Chapter 5, Article 1, Sections R3-5-101 through R3-5-110 renumbered from Title 3, Chapter 1, Article 7, Sections R3-1-701 through R3-1-710 (Supp. 91-4).

**ARTICLE 1. SAMPLING AND LABORATORY
CERTIFICATION**

Article 1, consisting of Sections R3-5-101 through R3-5-110 renumbered from R3-1-701 through R3-1-710 (Supp. 91-4).

Title 3, Chapter 1, Article 7 consisting of Sections R3-1-201 through R3-1-210 renumbered without change as Article 7, Sections R3-1-701 through R3-1-710 (Supp. 89-1).

Title 3, Chapter 1, Article 7 consisting of Sections R3-1-201 through R3-1-210 adopted effective July 25, 1985.

Section

R3-5-101.	Definitions
R3-5-102.	Certification; Renewal; Termination
R3-5-103.	Certified Services
R3-5-104.	Fees
R3-5-105.	Laboratory Requirements
R3-5-106.	Methods of Analyzing and Testing
R3-5-107.	Check Sample Testing Program
R3-5-108.	Repealed
R3-5-109.	Repealed
R3-5-110.	Referee Laboratory
Table 1.	Time-frames

**ARTICLE 1. SAMPLING AND LABORATORY
CERTIFICATION****R3-5-101. Definitions**

In addition to the definitions provided in A.R.S. §§ 3-101 and 3-141, the following terms apply to this Chapter:

1. "Accuracy" means the closeness of an observed measurement to the true value.
2. "Person" means an individual, partnership, corporation or other legal entity.
3. "Precision" means the agreement of repeated observations made under the same conditions.
4. "Quality assurance" means an integrated system of management activities involving planning, implementation, assessment, reporting, and quality improvement to ensure that a process, item, or service is of definable quality.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-201 renumbered without change as Section R3-5-101 (Supp. 89-1). Section R3-5-101 renumbered from R3-1-701 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-102. Certification; Renewal; Termination

A. Laboratory certification. Any person who operates a laboratory performing agricultural laboratory services pursuant to A.R.S. § 3-145 shall:

1. Provide the following information on the Application For Laboratory Certification and submit it with the appropriate fee to the State Agricultural Laboratory:
 - a. The name, business and mailing address, and telephone and facsimile numbers of the laboratory;

- b. The name, address, telephone number, social security number, and signature of the owner;
 - c. The name, address, telephone number, and signature of each person supervising the agricultural laboratory service.
2. Provide a comprehensive description of all programs, services and functions;
 3. List each service requested for certification, detailing the method or procedure used, including specific references to any publication where the method or procedure is described.
- B.** The laboratory supervisor shall notify the Assistant Director in writing within 30 days of any change in the certification, including location, laboratory supervisor owner, or other information.
- C.** If the application for certification is for a service not currently conducted by the State Agricultural Laboratory and the necessary expertise for review does not exist within the State Agricultural Laboratory, the Director shall establish a committee pursuant to A.R.S. § 3-106 to advise the Department of the proper procedures for certification in that area.
- D.** Certified sampler. Any person who collects certified samples shall provide the following information on the Sampler Certification Application and score at least 90% on a written sampling test determined by the type of sample certification requested:
1. The name and social security number of the sampler;
 2. The name, street and mailing address, and telephone and facsimile number of the applicant's employer;
 3. The name and signature of the employer;
 4. The mailing address and telephone number of the owner, if different than subsection (D)(1)(b);
 5. The date of the application;
 6. The name and signature of the applicant's supervisor or manager;
 7. The current certification number, if applicable;
 8. Whether the applicant possesses a State Agricultural Laboratory-approved embossing seal;
 9. A list of each service requested for certification.
 10. A signature affirming that the sampler will collect samples as prescribed by the State Agricultural Laboratory and affix the embossing seal on each sample collection report.
- E.** Certification renewal.
1. A laboratory owner or sampler shall file a renewal application at least 30 days before the expiration date of the current certification and provide the following information:
 - a. The name, business and mailing address, and telephone and facsimile numbers of the laboratory;
 - b. The name, address, telephone number, social security number, and signature of the owner;
 - c. The name, address, telephone number, and signature of each person supervising a certified agricultural service.

Department of Agriculture - State Agricultural Laboratory

2. An application received less than 30 days before the expiration date is untimely and the applicant shall reapply as an initial applicant.
 3. Any application received more than 60 days before the expiration date of the current certification shall be returned to the applicant for resubmittal.
 4. The current certification shall remain valid until a determination is made on the renewal application.
- F.** Certification termination. A laboratory owner or sampler may terminate the certification, either in part or in its entirety, by notifying the Assistant Director in writing within 30 days before the effective date of the termination.
- G.** Additional services. A laboratory owner may add services to the current certification by following the certification procedure in subsections (A) through (C), except that the Assistant Director may waive the on-site survey requirement.
- H.** Time-frames.
1. Overall time-frame. The State Agricultural Laboratory shall issue or deny a certification within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
 2. Administrative completeness review.
 - a. The appropriate administrative completeness review time-frame established in Table 1 begins on the date the State Agricultural Laboratory receives an application. The State Agricultural Laboratory shall notify the applicant in writing within the administrative completeness review time-frame whether the application is incomplete. The notice shall specify what information is missing. If the State Agricultural Laboratory does not provide notice to the applicant within the administrative completeness review time-frame, the application is complete.
 - b. An applicant with an incomplete certification application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the State Agricultural Laboratory mails the notice of missing information to the applicant until the date the State Agricultural Laboratory receives the information.
 - c. If the applicant fails to submit the missing information before the expiration of the completion request period, the State Agricultural Laboratory shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a certification by submitting a new application.
 - d. If a laboratory requests certification of a service not currently offered, 90 additional days shall be added to the administrative completeness review to establish a protocol for granting certification.
 3. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 - a. On-site survey.
 - i. Within 30 days of receipt of a complete application, the State Agricultural Laboratory shall schedule an on-site survey of the applicant's laboratory facilities; or
 - ii. The Assistant Director may waive the on-site survey required for a renewal applicant if the renewal applicant is in compliance with this Article.
 - b. If the State Agricultural Laboratory makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive completeness review is suspended from the date the State Agricultural Laboratory mails the request until the information is received by the State Agricultural Laboratory. If the applicant fails to provide the information identified in the written request within the response to additional information period, the State Agricultural Laboratory shall deny the license.
 - c. If the application is denied, the State Agricultural Laboratory shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-202 renumbered without change as Section R3-5-102 (Supp. 89-1). Section R3-5-102 renumbered from R3-1-702 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-103. Certified Services

- A.** In addition to certification for the services established in A.R.S. § 3-141(1), the applicant may apply for certification for any or all of the following agricultural laboratory services:
1. Determination of specific element and ion content of water for irrigation or livestock purposes;
 2. Determination of specific element and ion content of plant tissue for the evaluation of plant nutrients;
 3. Determination of specific element and ion content of soil for the evaluation of soil fertility and for element and ion content that may cause plant growth limitations;
 4. Determination of contents of processed meats and meat food products including the percentage of meat and non-meat ingredients;
 5. Verification of an analysis for the accuracy of the label guarantees of feeds, fertilizers, animal manures, plant growth stimulants, soil amendments, soil conditioners, or pesticides;
 6. Verification of planting seed germination, percentages, purity analysis or other named seed or plant propagative material testing procedures;
 7. Identification of insects, plant pathogens, animal pathogens, nematodes, or animal parasites;
 8. Testing of milk products for quality and market standards;
 9. Determination of mycotoxins, antibiotics, or drug residues in plant or animal tissue;
 10. Determination of mycotoxins, antibiotics, or drug residues in plant or animal products, animal feed or feed ingredients;
 11. Determination of specific pesticide, or hazardous or toxic elements in plant or animal tissue;
 12. Determination of specific pesticide or hazardous or toxic elements in air, water used in livestock production, irrigation water, soil, agricultural product or animal feed;
 13. Collection of samples.
- B.** An applicant may submit a written request to the State Agricultural Laboratory for a certified agricultural service not already established.

Department of Agriculture - State Agricultural Laboratory

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-203 renumbered without change as Section R3-5-103 (Supp. 89-1). Section R3-5-103 renumbered from R3-1-703 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-104. Fees

The applicant shall provide the Department with the following fees before the certification is granted:

1. Initial fee, \$200 per certified service; or
2. Renewal fee, \$100 per certified service; and
3. Time and mileage as prescribed in A.R.S. Title 38, Chapter 4, Articles 1 and 2.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-204 renumbered without change as Section R3-5-104 (Supp. 89-1). Section R3-5-104 renumbered from R3-1-704 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-105. Laboratory Requirements

A. A laboratory certified under this Section shall maintain and update a master file for all certified agricultural laboratory services. The master file shall contain:

1. A letter of certification stating the period of validity;
2. A quality assurance manual, and all updates, approved by the Assistant Director;
3. Documentation of competence and experience in testing for the service requested;
4. Documentation that establishes the laboratory personnel's capabilities;
5. Documentation for working knowledge of the applicable test standards and methods for approval of the service and the testing analyses for each service;
6. A written standard operating procedure for testing when required and approved by the Assistant Director;
7. Reports of all sample results for the last 3 years and all data generated during the testing.
8. Laboratory equipment lists, including:
 - a. The type and manufacturer;
 - b. The serial and model number; and
 - c. The date of the last calibration, if applicable.
9. Receiving and shipping records of all samples and supplies relating to the certification;
10. Quality control documentation;
12. Calibration certificates; and
13. All correspondence relating to the certification and operation of the program.

B. The testing laboratory shall maintain and update a quality assurance manual that describes actions taken by the laboratory to ensure that routinely generated analytical data are scientifically valid and defensible and are of known and acceptable precision and accuracy. The manual shall contain:

1. A description of the management and responsibilities of personnel related to the certification that includes:
 - a. The legal name, address, and telephone number of the main office or parent company;
 - b. The name, location of the laboratory, and telephone number, if different from subsection (B)(1)(a);
 - c. An organization outline or chart showing the titles or positions of all personnel relating to the certification and their reporting relationships relative to a certification request, including relationship between administration, operation, and quality control;

d. The names and resumes of the individuals assigned to each of the positions identified in subsection (B)(1)(c), or the personnel requirements for the individuals employed in those positions;

e. Verification that personnel have a working knowledge of the applicable test standards and test methods, and are qualified by education, training, or experience to conduct tests and analyze data to ensure the accuracy, performance, and timeliness of testing and follow-up inspections.

2. A description of the receiving, handling, and shipping controls that includes:

- a. The visual examination of samples, upon receipt, for evidence of shipping damage;
- b. The storage of items, while awaiting disposition, regarding the safety of personnel and the degree of protection to preclude the possibility of damage to the shipment; and
- c. The shipping and receiving data containing the date of receipt, the name of the manufacturer, and any other data necessary to accurately record and identify samples at the laboratory.

3. A description of testing information that includes a written list of test procedures as prescribed in R3-5-106. A test procedure shall, when applicable, contain:

- a. The nomenclature and identification of the sample;
- b. Detailed steps and operations in sequence, including verifications made before each stage of testing;
- c. Values for acceptance or rejection of analytical results based on permissible analytical variations;
- d. A list of measuring equipment, specifying range, type, accuracy, and the name of the test;
- e. An identification of any hazardous situations or operations;
- f. A list of the precautions taken to ensure safety of personnel, and to prevent damage to test items and measuring equipment;
- g. Test environments, conditions, and tolerances;
- h. Special instructions for inspection or testing, such as special handling of fragile test items;
- i. The nomenclature and designation of an applicable reference standard on which the test procedure is based;
- j. Quality control measures for precision and accuracy using appropriate spikes, blanks, multiple sample analysis, or standard reference material controls to assure validity of test results.

4. Reference standards documenting that:

- a. The accuracy of all measurement chemical standards are traceable to primary standards;
- b. The biological specimens are verified by the Assistant Director or the Assistant Director's designee.

5. A description of an equipment maintenance program that includes:

- a. Manufacturer's recommendations for the set-up and normal operation of each instrument and, if appropriate, the specific instructions for periodic checking of the reproducibility of the system;
- b. Quality control procedures for determining instrument performance;
- c. Monitoring of temperature-controlled spaces;
- d. Certification that thermometers and analytical balances meet federal standards, if applicable;
- e. Calibration of glassware and volumetric equipment.

C. The testing laboratory is responsible for the accurate calibration of testing equipment.

- D.** The testing laboratory shall maintain records for 5 years, except pesticide residue sample results and data, which shall be 7 years;
- E.** The construction and operation of the laboratory shall comply with the standards established by the Occupational Safety and Health Administration and any other applicable federal, state, county and municipal building, sanitary, safety, electrical, and fire codes for the area in which the laboratory is located. The laboratory shall comply with the disposal of hazardous waste materials established in Identification and Listing of Hazardous Waste, 40 CFR 261, amended August 12, 1997, and Standards Applicable to Generators of Hazardous Waste 40 CFR 262, amended August 12, 1997. This material is incorporated by reference, on file with the Office of the Secretary of State, and does not include any later amendments or editions of the incorporated matter.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-205 renumbered without change as Section R3-5-105 (Supp. 89-1). Section R3-5-105 renumbered from R3-1-705 (Supp. 91-4). Section repealed, new Section adopted by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-106. Methods of Analyzing and Testing

A laboratory shall, when complying with this Article:

1. Use the methods and procedures for analyzing and testing which are referenced in professional journals or manuals and obtain the approval of the Assistant Director, or
2. Use the methods and procedures established by the State Agricultural Laboratory.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-206 renumbered without change as Section R3-5-106 (Supp. 89-1). Section R3-5-106 renumbered from R3-1-706 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-107. Check Sample Testing Program

- A.** A laboratory applying for certification shall participate in a check sample program approved by the Assistant Director to demonstrate its ability to provide those services for which certification is requested.
- B.** Individual laboratory evaluation shall be based on the results obtained for each check sample in relationship to results, grouped by methods, received from all laboratories participating in that check sample program. If a deficiency is noted during an on-site evaluation or in the examination of split-

samples, the applying laboratory shall submit a plan of corrective action plan designated to eliminate the deficiency. The applying laboratory shall provide the Assistant Director with its identification number and a copy of the results for all analysis submitted to the check sample program.

- C.** The applying laboratory shall bear the costs of all analyses performed and the cost of all subsequent check samples, including the cost of any check sample service used to determine proficiency.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-207 renumbered without change as Section R3-5-107 (Supp. 89-1). Section R3-5-107 renumbered from R3-1-707 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-108. Repealed**Historical Note**

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-208 renumbered without change as Section R3-5-108 (Supp. 89-1). Section R3-5-108 renumbered from R3-1-708 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-109. Repealed**Historical Note**

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-209 renumbered without change as Section R3-5-109 (Supp. 89-1). Section R3-5-109 renumbered from R3-1-709 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

R3-5-110. Referee Laboratory

If 2 certified laboratories have differing testing results or if the results of a certified laboratory are challenged by the contracting agency or other state agency, the Director may designate a laboratory to serve as a referee to assist in making a determination. In the case of a challenge of test results, all costs incurred by the referee laboratory shall be borne by the party losing the dispute.

Historical Note

Adopted effective July 25, 1985 (Supp. 85-4). Former Section R3-1-210 renumbered without change as Section R3-5-110 (Supp. 89-1). Section R3-5-110 renumbered from R3-1-710 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).

Table 1. Time-frames (Calendar Days)

Certification	Authority	Administrative Completeness Review	Response to Completion Period	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Laboratory Certification	A.R.S. § 3-145 R3-5-102					
• New		14	30	60	90	74
• Renewal		14	7	30	14	44
• Certification request for service not currently offered		14	30	60	90	74
Sampler Certification	A.R.S. § 3-145 R3-5-102	14	30	90	90	104

Historical Note

Table 1 adopted by final rulemaking at 5 A.A.R. 573, effective February 4, 1999 (Supp. 99-1).